SINGLE BENCH

(5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition (C) No. 6612 of 2006

PETITIONER: Indian Broiler Farm,
A partnership firm registered under the Indian Partnership Act,
Through its Executive Director
Anjum Alvi, S/o Late Dr. Iqbal Alvi,
Aged about 42 years,
R/o Anupam Nagar,
Rajnandgaon, Chhattisgarh.

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary,
Department of Urban Development & Administration,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.

2. The Director,
Department of Urban Development & Administration,
State of Chhattisgarh,
Raipur, Chhattisgarh.

3. Municipal Corporation, Bilaspur,
Through its Commissioner,
Bilaspur, District: Bilaspur,
Chhattisgarh.

4. The Commissioner,
Municipal Corporation, Bilaspur,
District: Bilaspur,
Chhattisgarh.

5. The Health Officer,
Municipal Corporation, Bilaspur,
District: Bilaspur,
Chhattisgarh.

P.R. No. 6735/06
Presented by Shri Tandon
dated 25-11-06

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S.R. Kaushik
BILASPUR (CG)
19/11/06

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

HIGH COURT OF CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 6612 of 2006

Petitioner : Indian Broiler Farm

Versus

Respondent : State of Chhattisgarh & others

Shri Rajeev Shrivastava, Advocate for the petitioner.

Shri N. K. Agarwal, Deputy Advocate General for the respondents No. 1 and 2.

Smt. Hamida Siddque, Advocate for the respondents No. 3, 4 & 5.

ORDER

(5th December , 2006)

1. The petitioner, which is a partnership firm, engaged in the business of poultry farming – selling chicken (dressed/undressed) has filed the instant petition seeking a direction to the respondent No.3 (Municipal Corporation, Bilaspur) to issue licence on the application made by the petitioner, for which licence fees has already been received by the respondent No.3.

2. Learned counsel for the petitioner submits that in the year 2005-2006 though the Municipal Corporation, Bilaspur received the requisite licence fee but on 6.9.2005 an order was issued to the petitioner to close its business of selling chicken. That order was challenged by the petitioner in Writ Petition No. 4672/2005. Since the period of licence, for which the licence fees was received by the Municipal Corporation, was expired, therefore, that petition was dismissed as having become infructuous. Thereafter, the petitioner moved an application on 16.2.2006 for issuing licence for selling

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chicken, which was received by the respondent No.3. The said application was not considered by the respondent/Corporation.

3. Smt. Hamida Siddque, learned counsel appearing for the respondents/Corporation submits that the petitioner has applied for renewal of the licence vide application dated 16.2.2006 (Annexure P/14). Since there is no licence in favour of the petitioner, there is no occasion for renewal of the same.

4. Be that as it may, the petitioner may make an application with requisite licence fees and in turn the respondents/Municipal Corporation shall consider and decide the same, in accordance with law.

5. For the reasons stated above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur